***THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

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WRIT PETITION NO : 825 of 2007

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% 22.02.2007
Between:

B.Yadagiri Goud, s/o. Late Somaraj Goud,
Aged 45 years, Occ: Member of TCS, Ashok Nagar,
Uppal Mandal, Ranga Reddy District.

..... PETITIONER

AND

The Prohibition & Excise Superintendent/
Functional Registrar of Toddy Cooperative Societies,
Saroornagar, Ranga Reddy District,
At Excise Bhavan, J.N.Road, Nampally,
Hyderabad and others

.....RESPONDENTS

! COUNSEL FOR THE PETITIONER: MR.B.Sai Ram Goud

^ COUNSEL FOR THE RESPONDENTS: MR.B.D.Raju,
G.P. for Prohibition & Exdise,
MR.T.Kistaiah.

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> Head Note:

? CITATIONS:

1988 (1) APLJ, page 418

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.825 of 2007

DATED: 22.02.2007

Between:

B. Yadagiri Goud .. Petitioner

And

The Prohibition & Excise Superintendent,
Functional Registrar of Toddy Cooperative Societies,
Saroornagar, Ranga Reddy District,
At Excise Bhavan, J.N. Road, Nampally,
Hyderabad, and others .. Respondents

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.825 OF 2007

ORDER:

The petitioner is one of the founder members of TCS, Ashok Nagar. It was constituted in the year 2000 with 19 members. He challenges the proceedings, dated 08.01.2007, issued by the first respondent, election programme published by the second respondent, on 05.01.2007.

After formation of the Society, disputes arose as to the election of the Managing Committee. One Committee came to be elected on 10.04.2003. The petitioner and certain others filed O.P.No.87 of 2003 before the A.P. Co-operative Tribunal, challenging the election. In its order, dated 30.10.2006, the Tribunal allowed the O.P. and had set-aside the election. During the term of the said Committee, respondents 10 to 24 were admitted as members. The petitioner and eleven others raised a dispute, before the first respondent, over the admission of the new members. When the same was not considered, they filed W.P.No.332 of 2007 before this Court. In compliance with the direction issued by this Court, on 04.01.2007, the first respondent passed the impugned order repelling the contention of the petitioner and eleven other members, and upholding the admission of respondent Nos.10 to 24.

In view of the fact that the election of the Managing Committee was set-aside, by the Tribunal, in O.P.No.87 of 2003, the second respondent published a schedule for elections. He also published the voters list comprising of 34 members including respondent Nos.10 to 24. The petitioner feels aggrieved by the same.

According to the petitioner, respondent Nos.10 to 24 were admitted during the tenure of a Committee, whose election was set-aside. He contends that with the annulment of the election, the membership of respondent Nos.10 to 24 also stands nullified. He contends that inclusion of the names of respondents 10 to 24 in the voters list is contrary to law.

On behalf of respondent Nos.10 to 24, a counter affidavit is filed narrating the circumstances, under which, they came to be admitted as members. It has urged that, it is the General Body, and not the elected Committee, that had admitted them as members, and in view of Section 127 of the A.P. Co-operative Societies Act, 1964 (for short "the Act"), their membership does not suffer from any illegality, or infirmity.

Heard Sri B.Sai Ram Goud, representing learned counsel for the petitioner, learned Government Pleader for Prohibition & Excise and Sri Kistaiah, learned counsel for respondent Nos.10 to 24.

The grievance of the petitioner is about the admission of respondent Nos.10 to 24 as members of the Society. It is not in dispute that the said new members came to be admitted during the tenure of the Committee, whose elections were set-aside in O.P.No.87 of 2003. Had it been a case where the admission of the said persons as members was by the Committee, different consequences, altogether would have ensured. The power to admit members in to a society is vested under Section 19 of the Act, with the General Body. Except that the General Body is convened by it, the Managing Committee does not have any role in the matter, of admission of members.

Learned counsel for the petitioner places reliance on a judgment of this Court in ***R.Venu Gopal vs. District Collector, Medak***[1]**.** In that case, it was held that, a person in-charge of a Society does not have the power to

admit new members. The said ratio does not apply to the facts of this case, since respondent Nos.10 to 24 were admitted by the General Body itself.

Further, Section 127 of the Act, directs that no act of Society or any Committee shall be deemed to be invalid by reason of any defect as to in the organization or in the formation of the General Body or any wing thereof. Once respondent Nos. 10 to 24 were admitted as members by the General Body, of which, even the petitioner is a member, the mere fact that the election of the Managing Committee was set-aside in O.P.No.87 of 2003, hardly makes no difference.

This Court does not find any basis to interfere with the impugned orders. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

22.02.2007

Note:

1. Issue CC in three days.

2. LR copy to be marked.

B/o.

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[1] 1988 (1) APLJ, page 418